

## LAND USE AND ZONING COMMITTEE

*July 26, 2007*

The Land Use and Zoning Committee hereby find and determine that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 6:55 p.m.

The following were present: Committee Members: Messrs. Hazel, Haycox, Morse, Welch, Terriaco, and Messes. Ross, Diak and Garland. Staff: David Radachy. Audience: Mr. Irving Fine, Mr. Larry Nader, Properties Development, Mr. Joseph Gutoskey, Gutoskey and Associates, and Mr. Nestor Papageorge, Alexander Homes.

### **Concord Township: Proposed District Change 20.6 Acres from R-1/R-4 to R-2 RCD**

Staff stated that Properties Development was asking for the district change, their engineer was Gutoskey and Associates, how many acres were involved, and what the district change request was. Staff then showed its location on a map, and showed air photos of the site, the yield plan and the proposed RCD plan. Staff explained a couple issues with the yield plan. They stated that sublots 4 and 5 would need an easement to access the rear part of the lots or a boat. They also stated that sublots 5 and 6 could be affected by a wetland that was not shown. Staff then explained that there were a couple issues with the RCD Plan. The developer is proposing 50-foot rights-of-way that will require a variance from the subdivision regulations and wetlands will need to be classified as class 1, 2 or 3. Concord Township zoning requires certain setbacks for the different classes of wetlands. Staff did not feel it would affect the lot design.

Staff stated that the 2004 Concord Comprehensive Plan encourages conservation development in R-1 and R-4 districts. Staff stated that the RCD design for the Villas would put an intermittent stream into open space along with the lake. The yield plan is to Lake County Subdivision and Concord Township zoning standards. The RCD plan is to Concord Township zoning standards and they have enough open space for the density bonus. Staff recommended approval.

The committee asked if the open space between the sublots of the two cul-de-sacs met the minimum standards for the open space. Staff stated that they were at least 25 feet. Staff pointed out areas that would not meet the minimum of 25 feet or less than an acre of land. Staff also pointed out that the riparian setback of 25 feet was marked and they could use that as guide.

The committee also asked about the reduced rights-of-way. How would that effect the development? Staff stated that the road would still have 22 feet of pavement and would leave 28 feet, 14 feet on either side of the right-of-way, for storm sewer, waterlines and sanitary sewer. Usually, there are 38 feet remaining, 19 feet on either side of the right-of-way. These are short cul-de-sacs, so it would not be affected by the smaller right-of-way. Joseph Gutoskey stated that the storm sewer and water lines would be on one side of the street and the sanitary would be on the other side. There was plenty of room.

The committee also asked if the cul-de-sac bulbs were reduced. Staff stated the cul-de-sacs were not reduced. There were 120-foot diameters for pavement and 130 feet for ROW. Staff asked the developer if he planned to put islands into the cul-de-sacs. Mr. Fine stated that they did islands in other parts of the subdivision and they would do islands in this section.

Mr. Terriaco made a motion to recommend the district change.

Mr. Morse seconded the motion.

All voted "Aye". Motion passed.

## **Perry Township: Proposed District Change 19.1 Acres from B-1/I-1 to MDPUD**

Staff explained the developer was, King Castle Construction, and their engineer was, Polaris Engineering. Staff gave the details of the size and location of the development. Staff showed the location of the development on a map and explained that the development was to connect to State Route 84, which was according to zoning. Staff showed that after the private street was built; there would be 3 intersections in a distance of 400 feet, 4 in a distance of 1200 feet and 5 in a distance of 2700 feet. The road speed limit is 50 miles per hour through here and this could add to a bad situation. Staff explained that the zoning does not allow the development to exit onto Maple because Maple was classified as a local street, not a primary route. Staff also stated that ODOT will make the final determination.

Staff then explained that this development would have 54 units with only one entrance and exit. This could create a dangerous situation. If the entrance is cut off by a car accident or gas main break, the owners would not be able to drive out of the development. Staff explained that the new state fire code recommends two entrances for developments of 30 units or more. Staff also stated that there were no sidewalks shown on the development plan. According to the zoning resolution, sidewalks are required to connect the guest parking to the units. This also creates a dangerous situation. The owners would have to walk on the road in order to get to the walkways around the open space.

Staff also stated there were other zoning design issues. The open space had a pond in the middle of it and zoning requires that water cannot take more than  $\frac{1}{2}$  of the open space. There is no information provided on the size of the pond and if it takes up more than  $\frac{1}{2}$  of the open space acreage. If it does, then the amount of open space could be lowered below the required 40% of the site. Staff also had some concern with the fact that 78% of the open space was going to be on land that is in Perry Village and not going to be rezoned.

Staff stated that there was letter from the Lake County Sanitary Engineer stating that there was no sanitary sewer available for this project. Staff stated that they spoke to Utilities and found out that the sewer would be built next Spring. But, the fact that the sanitary sewer would be built next Spring does not fulfill the zoning requirement that the sanitary sewer is required to be available. The final zoning issue staff had to present was the fact that the application submitted to the Planning Commission was unsigned. There was no petition by the owner to have the zoning changed.

The last issue that staff had was the 2006 updated Comprehensive Plan had this area as commercial. The plan stated that Perry Township should eliminate the strip zoning along SR 84 and leave an area around major intersections for neighborhood commercial development. This was part of the 2003 Comprehensive Plan and Perry Township had followed this recommendation.

Staff recommended that the change not be made because it does not follow the 2006 updated Comprehensive Plan and there are many zoning design and submission issues.

The committee had many concerns about having another intersection on SR 84 in this area. They also had concerns that there was only one entrance for 54 units and that the layout would make it difficult for safety equipment to reach the unit around the cul-de-sac.

Mr. Hazel made a motion to accept the staff's recommendation not to change the district.  
Ms. Diak seconded the motion.

Seven voted "Aye". One abstained.

Motion passed.

Meeting adjourned at 7:25 P.M.